

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DAVID MARTIN,

Plaintiff,

-vs-

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CASE NO. 1:12 CV 00766

ORDER ADOPTING THE
MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND AFFIRMING
THE COMMISSIONER'S DECISION

UNITED STATES DISTRICT JUDGE LESLEY WELLS

Plaintiff David Martin seeks judicial review of the Commissioner of Social Security's final decision denying his claim for social security disability benefits. This matter was automatically referred to United States Magistrate Judge Kathleen B. Burke pursuant to Local Civil Rule 72.2(b). In a Report and Recommendation dated 12 April 2013, Magistrate Judge Burke concluded that the plaintiff's challenge to the Commissioner's decision is without merit. She recommended that the Commissioner's decision be affirmed. The parties were advised that objections to the R&R were to be filed within fourteen days after having been served with a copy of it, and that a failure to object may result in waiver of the right to appeal.

Pursuant to 28 U.S.C. § 636(b)(1), this Court makes a de novo determination of those portions of the R&R to which a timely objection is made. "When no timely

objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) advisory committee’s note. In this instance, no objections have been filed. Having reviewed Magistrate Judge Burke’s R&R and found no clear error, the Court adopts her recommendation and affirms the Commissioner’s decision.

IT IS SO ORDERED.

/s/ Lesley Wells
UNITED STATES DISTRICT JUDGE

Date: 10 May 2013